

ORDER ON MOTION FOR CLARIFICATIONI. INTRODUCTION

On May 31, 1994, Massachusetts Electric Company ("MECo or "Company") filed with the Department of Public Utilities ("Department") a Motion for Clarification ("Motion") of the Department's Order in Massachusetts Electric Company D.P.U. 92-217-B issued on May 20, 1994 ("Order"). The Company seeks clarification of (1) the Department's directive on pages 30-38 of the Order with respect to the recalculation of savings estimates for variable speed drives ("VSDs") and (2) the Department's position on the recalculation of energy savings estimates for lighting measures installed in the Design 2000 program based on actual measured data from a recently completed Design 2000 study rather than data from an hours-of-use study conducted for Energy Initiative lighting (Motion at 1).

II. STANDARD OF REVIEW ON CLARIFICATION

Clarification of previously issued orders may be granted when an order is silent as to the disposition of a specific issue requiring determination in the order, or when the order contains language that is so ambiguous as to leave doubt as to its meaning. Boston Edison Company D.P.U. 92-1A-B at 4 (1993); Whitinsville Water Company D.P.U. 89-67-A at 1-2 (1989). Clarification does not involve reexamining the record for the purpose of substantively modifying a decision. Boston Edison Company, D.P.U. 90-335-A at 3 (1992), citing Fitchburg Gas & Electric Light Company D.P.U. 19296/19297, at 2 (1976).

III. ANALYSIS AND FINDINGS ON CLARIFICATION

With respect to the first part of the Company's Motion, the Department stated that, in recalculating savings estimates for VSD applications in which savings estimates were produced by an engineering model, the Company is expected to consider all of the factors identified as leading to savings overestimations.

Order at 37, n.49. The Department indicated that factors include motor oversizing, and assumptions rather than measurements for key operating parameters, such as the flow or speed distribution and the static pressure or pressure offsets, as fractions of the full-load values. Id. at 33-35.

In seeking clarification, MECo states its interpretation of the Order on this issue. The Company apparently would apply a single adjustment factor, which appears to account solely for the oversizing of motors, to the savings estimates for certain VSD applications. The Department's Order clearly states that the Company should account for all factors that may result in inaccurate savings estimates. Thus, the Company's interpretation of the Department's directive concerning the recalculation of savings estimates for these VSD applications is incorrect.

Regarding the second part of the Company's Motion, the Department finds that the Company correctly interprets the Department's directive regarding the method the Company should employ to recalculate energy savings estimates for lighting measures installed in the Design 2000 Program. MECo also requests that it be allowed to update energy savings estimates

for lighting measures installed in the Design 2000 program. This request is inappropriately designated as a motion for clarification, as there is no ambiguity alleged by the Company as to the meaning of this Department directive. The Company merely seeks to introduce new evidence and reopen and relitigate the issue. The issue of introducing previously unknown information, i.e., using the results of a recently completed study, is properly addressed as a motion for reconsideration. Accordingly, this part of the Company's request shall be treated as a motion for reconsideration.

IV. STANDARD OF REVIEW ON RECONSIDERATION

The Department's policy on reconsideration is well settled. Reconsideration of previously decided issues is granted only when extraordinary circumstances dictate that we take a fresh look at the record for the express purpose of substantively modifying a decision reached after review and deliberation. Boston Edison Company, D.P.U. 90-270-A at 2-3 (1991); Essex County Gas Company D.P.U. 87-59-A at 2 (1988); Western Massachusetts Electric Company, D.P.U. 85-270-C at 12-13 (1987); Hutchinson Water Company, D.P.U. 85-194-B at 1 (1986).

A motion for reconsideration should bring to light previously unknown or undisclosed facts that would have a significant impact upon the decision already rendered. It should not attempt to reargue issues considered and decided in the main case. Boston Edison Company D.P.U. 90-270-A at 3 (1991); Western Massachusetts Electric Company D.P.U. 84-25-A at 6-7

(1984); Boston Edison Company D.P.U. 1720-B at 12 (1984);
Hingham Water Company D.P.U. 1590-A at 5-6 (1984); Boston Edison Company, D.P.U. 1350-A at 4 (1983); Trailways of New England, Inc., D.P.U. 20017 at 2 (1979); Cape Cod Gas Company D.P.U. 19665-A, p. 3 (1979)¹. Alternatively, a motion for reconsideration may be based on the argument that the Department's treatment of an issue was the result of mistake or inadvertence. Massachusetts Electric Company D.P.U. 90-261-B at 7 (1991); New England Telephone and Telegraph Company D.P.U. 86-33-J at 2 (1989), citing Western Union Telegraph Company D.P.U. 84-119-B (1985).

V. ANALYSIS AND FINDINGS ON RECONSIDERATION

The Company indicates that it has completed a study which was not available at the time of the issuance of the Order. While there may be circumstances in which updates are appropriate in noncontroversial areas which the Department has had an opportunity to examine on the record, in the instant case, the Department and the intervenors have not had the opportunity to review the study conducted by the Company. See Western Massachusetts Electric Company D.P.U. 85-270-C at 18-20 (1987). As a result, the Department will not make a determination of the

¹ The Department has denied reconsideration when the request rests on an issue or updated information presented for the first time in the motion for reconsideration. See generally Western Massachusetts Electric Company D.P.U. 85-270-C at 18-20 (1987); Western Massachusetts Electric Company D.P.U. 86-280-A at 16-18 (1987).

impact this study might have on the Order². Moreover, this is precisely the situation where reconsideration has been denied because the information has been presented to the Department for the first time in a motion for reconsideration. The Department finds that the Company has not presented evidence of extraordinary circumstances which would warrant reconsideration of the Order. Accordingly, for the aforementioned reasons, the Company's Motion for Reconsideration is denied.

² The Department notes that the Company can submit the results of the study in its 1993 Monitoring and Evaluation Report due June 1994, and then can seek to apply those results to savings estimates for the Design 2000 program as part of the reconciliation of the 1992 incentive, and for calculation of the 1993 incentive, subject to reconciliation in 1995.

VI. ORDER

Accordingly, after due consideration, it is

ORDERED: That the motion of Massachusetts Electric Company for reconsideration of the Department's Order Massachusetts Electric Company, D.P.U. 92-217-B, issued on May 20, 1994, be and hereby is denied.

By Order of the Department,

Kenneth Gordon
Chairman

Barbara Kates-Garnick
Commissioner

Mary Clark Webster
Commissioner